

## Exhibit 3

## Ross MacDonald

---

**From:** Ross MacDonald  
**Sent:** Wednesday, July 24, 2019 3:27 PM  
**To:** Nemelka, Michael N.; SERVICE-EXTERNAL-DMS-MDL  
**Cc:** Reynolds Team  
**Subject:** RE: In re DMS - PCM Logs

Mike,

Thanks for your email. It appears we disagree and are at an impasse. We are going to file a short motion with the Court seeking clarification on this issue tomorrow.

Please let us know if you change your mind.

Ross

---

**From:** Nemelka, Michael N. <[mnemelka@kellogghansen.com](mailto:mnemelka@kellogghansen.com)>  
**Sent:** Friday, July 19, 2019 10:24 AM  
**To:** Ross MacDonald <[RMacDonald@gibbsbruns.com](mailto:RMacDonald@gibbsbruns.com)>; SERVICE-EXTERNAL-DMS-MDL <[SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com](mailto:SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com)>  
**Cc:** Reynolds Team <[ReynoldsTeam@gibbsbruns.com](mailto:ReynoldsTeam@gibbsbruns.com)>  
**Subject:** RE: In re DMS - PCM Logs

Ross,

Thanks for the email. In short, we do not agree to your request, as it simply seeks to reverse Judge Gilbert's decision rejecting your motion to compel in its entirety. Under that ruling, which you did not appeal, we have no obligation to go through the onerous process of producing PCM logs, and we decline to do so voluntarily at this time, when discovery is long done.

Your email refers to the offer Authenticom made during the meet and confer process in an effort to avoid litigation over the issue. As you know, we made that offer as a matter of compromise despite — and without waiving — our position that requiring production of any PCM logs would be irrelevant and not proportional. But compromise offers do not bind a party once the offer is rejected and the party is compelled to litigate the issue. So when you instead chose to file a motion seeking far more than we had offered, we were of course entitled to argue that no production should be ordered, especially given the significant burden that producing even a single PCM log would impose on Authenticom. The Court ruled in our favor. As your email itself acknowledges, the Court considered Authenticom's offer in the course of its opinion, but it notably did not compel production even to that extent. We simply see no basis for your demand.

Thanks,  
Mike

---

**From:** Ross MacDonald [<mailto:RMacDonald@gibbsbruns.com>]  
**Sent:** Monday, July 8, 2019 12:29 PM  
**To:** Nemelka, Michael N. <[mnemelka@kellogghansen.com](mailto:mnemelka@kellogghansen.com)>; SERVICE-EXTERNAL-DMS-MDL <[SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com](mailto:SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com)>  
**Cc:** ReynoldsTeam (gibbsbruns.com) <[reynoldsteam@gibbsbruns.com](mailto:reynoldsteam@gibbsbruns.com)>  
**Subject:** [EXTERNAL] In re DMS - PCM Logs

Dear Mike,

I write in regard to Authenticom's production of an illustrative polling client manager log. At the status hearing held on Monday, June 10, Authenticom represented to the Court that it continued to be willing to produce an exemplar polling client manager ("PCM") log of a single day of polling for 10 CDK dealers and 10 Reynolds dealers. *See also* 2019-04-18 Ltr. from E. McKenna and M. Nemelka. The Court appears to have relied on this offer in evaluating Defendants' motion to compel a broader subset of PCM information. *See* 2019-6-12 Opinion at 2 ("In fact, Authenticom has offered to produce more limited information from its system that can be used for that purpose."). In light of this, Defendants request that Authenticom honor its offer. Defendants hereby request that Authenticom produce an example, one-day PCM log for the following 10 CDK and 10 Reynolds dealerships.

We have attempted to select dealerships that are representative of Authenticom's various services and connection methods based on the information Authenticom has produced in this litigation. If any of the below dealerships are no longer being serviced by Authenticom (or, if there is no PCM data about one or more of the following dealers), please let us know, and we can replace them with alternative dealerships. To the extent you believe the below sample is unrepresentative, please let us know why this is the case.

Reynolds

1. Bettenhausen Chrysler Jeep
2. Dover Dodge Chrysler Jeep Ram
3. Acton Toyota
4. Suburban Chevrolet
5. Right Honda
6. Triangle Honda 65
7. Luther Bloomington Kia
8. Nissan of Turnersville
9. Gateway Toyota
10. Lexus of Warwick

CDK Dealers

1. Ganley Corporation
2. Oremor Automotive Group
3. Braman Automotive Group
4. The Curry Corporation
5. Continental Group/J&J Partnership
6. Johnny Londoff Chevrolet
7. Tysinger Auto Group
8. Chase Chevrolet
9. Smith Motor Sales Haverhill
10. MINI of Daytona Beach

Let us know if you have any questions. We are available to discuss by phone.

Best,

Ross

**Ross MacDonald**

**Gibbs & Bruns LLP**

1100 Louisiana Suite 5300 Houston, TX 77002

713.751.5231 direct | 713.650.8805 main | 713.750.0903 fax